UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,128	12/09/2005	Takeshi Oka	450100-05109	2855

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 January 2011</u>.
2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is in response to applicant's communication filed on

01/26/2011 in response to PTO Office Action mailed on 11/09/2010. The

Applicant's remarks and amendments to the claims and/or the specification were

considered with the results as follow.

2.   Claim1 has been amended and as a result, Claims 1-10 are pending in

this office action.

Response to Arguments

3.   Applicant's arguments, see Remarks, pages 9-12, filed 01/26/2011, with

respect to the rejection(s) of claim(s) 1-10 under 35 USC 103 (c) have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, new ground(s) of rejection is made in view

of Sugimura et al (US Publication No. 2004/0042370).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103 which forms the basis for all

obviousness rejections set forth in this Office action:

5.   Applicant has provided evidence in this file showing that the invention was

owned by, or subject to an obligation of assignment to, the same entity as

obvious at the time this invention was made, or was subject to a joint research

agreement at the time this invention was made. However, reference "US Pub.

No. 2002/0164149" additionally qualifies as prior art under another subsection of

35 U.S.C. 102, and therefore, is not disqualified as prior art under 35

U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37

CFR 1.132 that the invention disclosed therein was derived from the invention of

this application, and is therefore, not the invention "by another," or by antedating

the applied art under 37 CFR 1.131.

6.   **Claims 1-10** are rejected under 35 U.S.C. 103 (a) as being obvious over

Wilkinson (US Publication No. 2002/0164149), in view of Sugimura et al. (US

Publication No. 2004/ 0042370).

As to claim 1, Wilkinson teaches, **a file generation apparatus for generating a**

file of first data to be recorded on a recording medium, the file generation

apparatus comprising:

- **"first generation means for generating second data to be arranged at**

    the beginning of the file" see at Fig. 1 and Para, [0013] and [0047], (The

    file comprises a file header, a file body and a file footer. The body contains

    the "essence" that is, in this example, video and / audio essence data.);

- **"second generation means for generating third data to be arranged at the end of the file"** see at Fig. 1 and Para. [0047] and [0054], (The MXF file is terminated by a file footer); and

- **"Wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data the first data being either video data or audio data organized according to an edit unit** (at Para. [0063], (Metadata may also comprise data relating to edits in the material. It may comprise instructions defining simple editing and other processes to be performed on the material), **and wherein the stuffing data has a KLV structure"** at Para. [0020], (The packets include integer numbers of whole KLV encoded items containing the data of the structure where a value field V contains the data, a length field indicates the length of the value field and a key field indicates the type of packet. According to the spec. picture item to have the fixed length, a filler as stuffing data also uses the KLV structure and is arranged after the video data of the picture item. So it is described that packets include integer numbers of whole KLV encoded items containing the data of the structure where a value field V contains the data, a length field indicates the length of the value field.).

Wilkinson does not teach, **"third generation means for generating fourth data which allows the data amount of the first, second, or third data to be an integral multiple of a unit of reading or writing to the recording**

medium by adding the fourth data to the first data, the second data, or the

third data";

However, Sugimura teaches, "**memory means for storing data (at Para.**

[0033], (The control microcomputer confirms an amount of the image/sound data

stored in the buffer memory**)); third generation means for generating fourth**

data which allows the data amount of the first, second, or third data to be

an integral multiple of a unit of reading or writing to the recording medium

(at Para. [0061] and [0062], (the control microcomputer records the blocks (a

data amount of one block is equal to an integral multiple of an ECC block)

sequentially from the outside (a sector of a larger sector number) to inside (a

sector of a smaller sector number))) **by adding the fourth data to the first data,**

the second data, or the third data" Para. [0020], [0026] and [0061],

(Management information manages a recorded position, data amount, file

identifier (file name), file generation time, or file type of data 104, 105 recorded

on the optical disk.);

It would have been obvious to one of ordinary skill in the art at the time of

the invention to incorporate the teachings of Sugimura into the recording method,

reproducing apparatus, recording medium of Wilkinson, because third generation

means for generating fourth data which allows the data amount of the first,

second, or third data to be an integral multiple of a unit of reading or writing to the

recording medium by adding the fourth data to the first data, the second data, or

the third data would provide "recording data and management information that manages the data onto a recording medium".

Note that claims 8 and 9 recite the corresponding limitations as set forth in claim 1 above, thus rejected accordingly.

As to claim 2, Wilkinson/ Sugimura teaches, "the file generation apparatus according to claim 1, wherein the first generation means generates the second data, i.e., a header of the file" see Wilkinson, at Para. [0013].

As to claim 3, Wilkinson/ Sugimura teaches, "the file generation apparatus according to claim 1, wherein the first generation means further comprises format conversion means for converting the first data into a KLV (Key, Length, Value) structure; and wherein the first generation means generates the second data composed of the file's header, and a key and a length arranged between the header and the first data" see at Fig.1 and Para. [0013] and [0020].

As to claim 4, Wilkinson/ Sugimura teaches, "the file generation apparatus according to claim 1, wherein the third generation means generates the fourth data by making an addition to each of N-1 portions of the first data toward the beginning out of the first data divided into N portions, where N is an integer, so that the data amount of each of the first data divided into N-1 portions becomes an integral multiple of a physical unit area of the recording medium and the overall data amount of the first data becomes an integral multiple of the unit of

reading and writing on the recording medium" see at Fig. 2 and 3 and Para.

[0064], [0066] and [0067], (the Header Metadata of the preamble comprises 16

bytes of Header Metadata Universal Label (UL), followed by a length byte

followed by KLV encoded metadata sets (sets 1 to n) which constitute the data of

the value field (V). So it is explained that the length N then the data amount of

each of the first data divided into N-1 portions.)

As to claim 5, Wilkinson/ Sugimura teaches, "the file generation apparatus

according to claim 1, wherein the third generation means generates the fourth

data for the first data divided into units corresponding to specified reproduction

times with video data and audio data for a plurality of channels multiplexed in

accordance with the divided units so that the data amount for each of divided

units of the first data corresponds to an integral multiple of the unit of reading and

writing on the recording medium" see at Para. [0064], [0133] and [0147].

As to claim 6, Wilkinson/ Sugimura teaches, "the file generation apparatus

according to claim 5, wherein the third generation means generates the fourth

data so that the data amount totaling partition data for separating divided portions

of the first data from each other, metadata contained in each of divided portions

of the first data, and the video data corresponds to an integral multiple of the unit

of reading and writing on the recording medium" at Para. [0058], [0081] and

[0132].

As to claim 7, Wilkinson/ Sugimura teaches, "the file generation apparatus

according to claim 5, wherein the third generation means generates the fourth

data so that the data amount of each of divided portions of the audio data contained in each of divided portions of the first data corresponds to an integral fraction of the unit of reading and writing on the recording medium and the overall data amount of the audio data corresponds to an integral multiple of the unit of reading and writing on the recording medium" see at Fig. 3 and Para. [0058], [0081] and [0132].

As to claim 10, Wilkinson teaches, A recording medium to record a file of first data, wherein first additional data is added to record the first data whose data amount corresponds to an integral multiple of a unit of reading or writing to the recording medium so that a boundary of the first data matches a boundary of the unit" see at Fig. 1 and Para, [0013] and [0047], (The file comprises a file header, a file body and a file footer. The body contains the "essence" that is, in this example, video and / audio essence data.);

- "wherein second data is arranged at the beginning of the file and is attached with second additional data to have the data amount corresponding to an integral multiple of the unit so that a boundary of the second data matches a boundary of the unit" see at Fig. 1 and Para. [0047] and [0054], (The MXF file is terminated by a file footer); and

- "Wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data the first data being either video data or audio data organized according to an edit unit (at Para. [0063], (Metadata may also comprise data relating to edits in the material. It may

comprise instructions defining simple editing and other processes to be

performed on the material), and wherein the stuffing data has a KLV

structure" at Para. [0020], (The packets include integer numbers of whole

KLV encoded items containing the data of the structure where a value

field V contains the data, a length field indicates the length of the value

field and a key field indicates the type of packet).

Wilkinson does not teach, "third generation means for generating fourth

data which allows the data amount of the first, second, or third data to be an

integral multiple of a unit of reading or writing to the recording medium by adding

the fourth data to the first data, the second data, or the third data";

However, Sugimura teaches, "**third generation means for generating

fourth data which allows the data amount of the first, second, or third data

to be an integral multiple of a unit of reading or writing to the recording

medium** (at Para. [0061] and [0062], (the control microcomputer records the

blocks (a data amount of one block is equal to an integral multiple of an ECC

block) sequentially from the outside (a sector of a larger sector number) to inside

(a sector of a smaller sector number))) **by adding the fourth data to the first

data, the second data, or the third data**" Para. [0020], [0026] and [0061],

(Management information manages a recorded position, data amount, file

identifier (file name), file generation time, or file type of data 104, 105 recorded

on the optical disk.);

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sugimura into the recording method, reproducing apparatus, recording medium of Wilkinson, because third generation means for generating fourth data which allows the data amount of the first, second, or third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, or the third data would provide "recording data and management information that manages the data onto a recording medium".

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

8.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Mohammad N. Rahman whose telephone

number is 571-270-1631. The examiner can normally be reached on 7:30am -

5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Mofiz Apu M can be reached on 571-272-4080. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/ Mohammad Rahman /
Examiner, Art Unit 2161
Dated: 04/06/2010

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161